

SEATAC CITY COUNCIL

REGULAR MEETING MINUTES

June 22, 2004
7:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 7:04 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Ralph Shape, Joe Brennan, and Don DeHan. Excused absence: Councilmember Chris Wythe.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Craig Ward, Assistant City Manager; Kathy Black, Human Services Coordinator; Kit Ledbetter, Parks & Recreation Director; Julie Elsensohn, Senior Assistant City Attorney; Don Monaghan, Public Works Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: (The Flag Salute was performed at the preceding Study Session.)

PUBLIC COMMENTS: There were no public comments at this time.

PRESENTATION:

•Human Services Advisory Committee Annual Report

Human Services Coordinator Kathy Black introduced Services Advisory Committee Chair Karyn Kuever and Committee Member Jenalle McCray. Ms. Kuever presented the committee's 2003 Annual Report and 2004 goals. She stated that the committee's role is to identify the most pressing human services needs in the community, evaluate non-profit agencies for their ability to deliver successful and cost effective services, make recommendations to the City Council for funding, and monitor agency performance for success and accountability on a quarterly basis. In 2003, the City provided human services to an estimated 3,200 residents' needs, allocating \$195,089 (one percent of General Fund revenues) to fund programs to meet human services needs in SeaTac. In addition, the City received \$297,375 in Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development (HUD) for allocation to capital projects and public services. The committee is currently working on funding recommendations for the years 2005-2006.

Deputy Mayor Anderson inquired as to the committee's membership status to which Mrs. Black stated that Mayor Hansen will be interviewing two applicants this Thursday, June 24, for the two committee vacancies.

Councilmember DeHan stated his appreciation of the brevity and clarity of the presentation. Ms. Kuever thanked Mrs. Black for her work with the committee.

Councilmember Brennan questioned the status of the CATCH 21 (Communities at Tyee and Chinook in the 21st Century) program. Mrs. Black stated that the City is presently funding the program and they have applied for funding in 2005-2006. Colleen Brandt-Schluter, Community Engagement Administrator at Tyee High School, is the CATCH 21 Coordinator. The program will most likely be funded again. Councilmember Brennan mentioned that he, along with Mayor Hansen and Councilmember Shape attended an Elected Officials Summit Meeting on June 11 at Tyee High School for State, County, and local officials regarding a Gates Foundation Grant for Education Programs. CATCH 21 was mentioned several times during the summit. He added that he would encourage the Council, during the 2004 budget workshops, to give consideration for a Parks & Recreation Department staff member to work with this program at Tyee. He would also like to see a second Community Service Officer (CSO) in the schools, a valid resource for immigrant students and families.

Mayor Hansen thanked Ms. Kuever and the rest of the committee, on behalf of the Council, for their diligent work processing these critical funding allocations in order to make fair and equitable recommendations to the Council. The City is proud of its contribution toward the human service field and is always anxious to look at new opportunities.

CONSENT AGENDA

•Approval of employee vouchers in the amount of \$403,667.17 for the period ended June 15, 2004.

Approval of Council Meeting Minutes:

•Special Study Session held March 23, 2004.

•Administration & Finance Committee Meeting held June 8, 2004.

•Regular Council Meeting held June 8, 2004.

•Land Use & Parks Committee Meeting held June 10, 2004.

Acceptance of Advisory Committee Minutes:

•**Planning Commission Meeting** held May 17, 2004 (Commission approved June 7, 2004).

The following Agenda Item was recommended at the June 22, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2440

A Motion authorizing the Extension of a Contract with Boise Office Solutions to serve as the City's designated Office Supply Vendor

Summary: The City has had a contract with Boise Office Solutions for the past five years to serve as the City's designated office supply vendor. The City had previously used the services of Corporate Express as its primary vendor from 1990 through 1999. Overall, the City has received excellent service and quality products from Boise.

Boise Office Solutions has submitted a very attractive proposal to continue to serve as the City's designated office supply vendor for an additional three-year period. The contract rates established in May 1999 for the most frequently purchased items would continue, except for a market adjustment for copy paper. In addition, based on an analysis of our usage for 2003, Boise has added contract pricing for a number of new high use items. Boise will also continue to offer a 45 percent discount off list price for their entire catalog.

City-wide purchases from Boise have averaged about \$50,000 per year including office supplies, technology products and office furniture. Orders are placed by City staff via the Internet and have been filled with a one-day turnaround 98 percent of the time. Based on the proposal submitted by Boise and the satisfaction departments have expressed regarding Boise's service, it is recommended that Boise Office Solutions be retained as the City's designated office supply vendor for three additional years. It should be noted that the agreement with Boise does not prohibit the City from purchasing similar items from other vendors if better pricing is obtained.

It is estimated that the revised costing structure of this proposal will result in additional annual savings of approximately \$2,500.

MOVED BY ANDERSON, SECONDED BY SHAPE TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

•**Amending the Development Agreement between the City and Equitable Capital Group (ECG) and South 200th Street Station, LLC**

Mayor Hansen opened the Public Hearing at 7:17 p.m.

Senior Assistant City Attorney Elsensohn gave a brief summary of the Development Agreement proposal presented at the June 22 Study Session (SS). She briefed on the summary in the following Agenda Bill No. 2439, which states that this Resolution authorizes the City to enter into an amendment to an existing development agreement with ECG and South 200th Street Station, LLC, which was entered into in January 2001. The president of this group is Tom Dantzler. The agreement allows waiving landscaping requirements at the surface parking lot that currently exists southwest of the intersection of South 200th Street and 28th Avenue South, on the condition that there be permanent development at that site within a two year period of time. The exchange would be the public benefit received from the permanent development. If the deed were deeded and the development did not occur within two years, then the property would revert back to the City and any negotiated rental payment would be paid at that time.

Mayor Hansen acknowledged Tom Dantzler, ECG president, who had no additional comments to Ms. Elsensohn's briefing.

Councilmember DeHan stated, in the deliberation process, this agenda item came before the Council numerous times. It was brought to the Transportation & Public Works (T&PW) Committee in May 2004 and discussed at length. The property is less than 50-feet wide and abuts a street that the City developed using the balance of the four involved lots. It was an opportunity for the City to advantageously take the property and use it for a development in the future which seems to be the most equitable way.

There were no public comments.

Mayor Hansen closed the Public Hearing at 7:22 p.m.

NEW BUSINESS:

Agenda Bill #2439; Resolution #04-008

A Resolution amending the Development Agreement between the City and Equitable Capital Group (ECG) and South 200th Street Station, LLC

Summary: By Resolution No. 01-001, adopted on January 9, 2001, the Council authorized a Development Agreement with ECG, Inc. related to a commercial parking lot located at 20005 28th Avenue South, SeaTac. In fact, the main entrance to the Seattle SeaTac Airport Parking operation has been established at 2701 South 200th Street. This Development Agreement allowed a departure from some interior parking lot landscaping requirements, in exchange for a commitment for ECG to submit a Building Permit application within five years. By that time, it was believed that Sound Transit would be constructing a Light Rail Transit (LRT) Station in the vicinity of South 200th Street and 28th Avenue South, with ECG constructing a parking garage/mixed use development to serve this station. The Development Agreement was amended by Resolution No. 03-018 adopted on August 12, 2003. Since the timing of the South 200th Street LRT station is unknown, the amendment extended the deadline for submitting the Building Permit to within one year from the opening of the LRT station.

In November, 2002, by Resolution No. 02-019 the City Council surplused four parcels of real property located adjacent to ECG's site. These parcels were originally acquired as part of the 28th/24th Road Improvement Project. The surplus parcels consist of the excess remainder from the original property acquisition over and above what was actually needed for right-of-way (ROW) purposes, and were surplused as having no benefit to the City. The parcels consist of 14,700 square feet. Due to the location and size of the parcels, they hold little or no value to anyone other than an adjacent property owner who could utilize the property for expansion purposes. The parcels currently remain vacant and the City retains maintenance responsibilities.

There is significant public benefit that will accrue from ECG's permanent development, including economic, aesthetic and civic. Therefore, it is proposed that in consideration of this public benefit, the City deed all or a portion (dependent upon future ROW needs) of the surplus property to ECG at such time as the Building Permit for the permanent structure is issued and that the Development Agreement be amended accordingly. This amendment also includes provisions for return of the surplus property to the City should ECG fail to complete the permanent development within two years of the issuance of the Building Permit. This Resolution has no fiscal impact to the City.

MOVED BY DEHAN, SECONDED BY ANDERSON TO PASS RESOLUTION NO. 04-008.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2445

A Motion authorizing the City Manager to grant a Permanent Easement of approximately 560 feet on South 188th Street to the Port of Seattle (POS)

Summary: The POS will be constructing landscaping improvements west of the tunnel on South 188th Street that will include a 10-foot wide walkway. This walkway will someday connect to the Westside Trail and serve as a connection into SeaTac. The best design for the walkway is to construct it on the City ROW. An easement is required by the Federal Aviation Authority (FAA) because it would be a diversion of funds without the easement from the City of SeaTac. The easement is on the south side of South 188th Street and starts at the Southwest corner of 16th Avenue South and South 188th Street and proceeds approximately 560 feet west and is approximately 25 feet wide.

This is the second 1997 Port Interlocal Agreement (ILA) landscape project and construction is expected to begin in late August 2004. The Port's total construction budget is \$993,214 for this landscape project. There is no fiscal impact to the City granting the easement.

MOVED BY DEHAN, SECONDED BY SHAPE TO PASS AGENDA BILL NO. 2439.*

Councilmember Brennan stated he would prefer to put this item off to the next Council Meeting.

*MOTION CARRIED WITH BRENNAN VOTING NO.

Agenda Bill #2422; Ordinance #04-1010

An Ordinance amending the Zoning Code regarding Produce Stands, New Definitions for Agricultural Crop Sales, Automobile Repair, Gasoline/Service Stations, and Sport Clubs, Rezone Reclassification Criteria, Off-Street Parking Design and Construction Standards, Temporary Uses, the Projection of Porches in the Front Yard Setback, the Determination of Lot Area, Lot Width, Security Wiring, Freestanding Sign Height

Requirements, Sensitive Areas Markings, Landscaping Authority and Application, and Administrative Variances

Summary: Minor Code amendments to a variety of sections of the Zoning Code, including the following:

1. Produce Stands: The amendments provide a definition for produce stands and amends the land use charts, landscape charts, and off-street parking charts, listing where produce stands would be allowed and the landscaping and off-street parking required for produce stands.
2. New definitions: for “Agricultural Crop Sales”, “Automobile Repair”, “Gasoline/Service and Station” are provided.
3. Rezone Reclassification Criteria: Changes the requirement for a site plan when a down zoning of property is proposed.
4. Off-street Parking Design Standards: The table and illustration for off-street parking design standards is revised to provide an easier understanding of the City’s off-street parking standards.
5. Off-Street Construction Standards: This standard has been modified to include storage lots for cars, trucks, RV’s, shipping containers, etc.
6. Temporary Uses: Outdoor food events have been added to the list of Temporary Uses.
7. Front Yard Projections: Revisions would allow porches of less than 18 inches in height to project 10 feet into the front yard setback.
8. Sports Clubs: A new land use and definition for “sports club” is provided with requirements for landscaping and off-street parking.
9. Lot Area Determination in New Short Plats: Proposed amendments would provide a new method to determine the number of lots in a new short plat.
10. Lot Width: Lot widths are proposed to be reduced from 60 feet to 50 feet.
11. Security Wire: Razor, concertina, or similar wire would not be allowed in residential zones. Barb wire would only be allowed to fences permitted animals and livestock.
12. Landscaping Authority and Application: This section is amended to revise and to add additional circumstances where landscaping would be required with a change in use of property.
13. Freestanding Sign Height Limitation: The definition of Grade (Ground Level) of a freestanding sign is amended to specify a maximum 25 foot height.
14. Sensitive Area Markers: Stenciling of all storms drains with “Dump No Waste, Drains to Stream” will now be a code requirement.
15. Administrative Variances: The criteria to allow administrative review of a variance is raised from 10 percent of the dimensional standard to 20 percent.

Mayor Hansen stated that the Ordinance was discussed at the preceding SS and it was the consensus of the Council to delete the following Zoning Code amendment: Section 11:-Security Wire – Razor, concertina, or similar wire would not be allowed in residential zones. Barb wire would only be allowed to fence permitted animals and livestock.

MOVED BY SHAPE, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 04-1010 WITH THE REMOVAL OF SECTION 11 OF THE ZONING CODE REGARDING SECURITY WIRE, PENDING FURTHER CLARIFICATION ON THIS ITEM.*

Another amendment was recommended by the Land Use and Parks (LUP) Committee and to be added to the Ordinance. Mr. Butler explained the need for this proposed amendment.

MOVED BY FISHER, SECONDED BY SHAPE TO AMEND ORDINANCE NO. 04-1010 TO ADD A FOOTNOTE TO THE ZONING CODE ON PAGE 6, NO. 12. REGARDING AGRUCULTURE CROP SALES TO READ, “... RETAIL SALES ALLOWED ON A SEASONAL BASIS *FOR NO MORE THAN 90 DAYS IN A CALENDAR YEAR*”.

AMENDMENT CARRIED UNANIMOUSLY.

*ORIGINAL MOTION CARRIED AS AMENDED WITH BRENNAN VOTING NO.

Agenda Bill #2443; Ordinance #04-1011

An Ordinance amending the Development Review Code (DRC) regarding Administrative Variances

Summary: This Code amendment raises the criteria to review an administrative variance from 10 percent of the dimensional standard to 20 percent of the standard.

Many variance requests are minor requests to the City’s dimensional standards (i.e., building setbacks, building

height). Currently, to qualify for an administrative variance, the variance requested cannot exceed 10 percent of the dimensional standard. If it exceeds 10 percent, the variance must be reviewed by the Hearing Examiner. This results in higher fees and additional time to review the variance. The LUP Committee requested that staff review the variance criteria to allow a higher percentage of administrative variances. The change to the DRC and similar change to the Zoning Code under Agenda Bill No. 2422 achieves that goal.

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 04-1011.

MOTION CARRIED WITH BRENNAN VOTING NO.

Agenda Bill #2396

A Motion approving the City Manager to enter into an Interlocal Agreement (ILA) with the City of Normandy Park to provide Electrical Plan Review and Inspection Services for the City of Normandy Park

Summary: The Washington State Department of Labor and Industries (L&I) currently provides electrical inspection and electrical plan review within the City of Normandy Park. Normandy Park would like to take these responsibilities from the State in order to provide a higher degree of customer service and to better coordinate the electrical inspections with the building inspections already provided by Normandy Park. However, the expected electrical permit revenue is not enough to compensate Normandy Park for their own electrical inspector, so they would like to contract this work out to the City of SeaTac. Normandy Park would like to use an agreement similar to that used between the City of SeaTac and the City of Burien when SeaTac provided electrical inspections and plan review services for Burien. Under the agreement, the City of SeaTac would be compensated according to our current fee schedule. It is expected to take five hours per week to provide this service and would be done by existing staff.

It is estimated the annual electrical permit fee revenue to the City of SeaTac will increase approximately \$10,000 per year.

MOVED BY ANDERSON, SECONDED BY SHAPE TO ACCEPT AGENDA BILL NO. 2396.*

Upon a question posed by Deputy Mayor Anderson as to how the fee is based, Public Works Director Monaghan stated it is based on fixture count or value of work as would be done for any person applying for a permit. Normandy Park will be charging a slightly higher fee to cover their administrative costs.

Councilmember Fisher stated, regarding the liability, the inspectors are licensed by the States, not the City. Councilmember Brennan stated, however, the inspectors are paid by the City which would have some responsibility.

*MOTION CARRIED WITH BRENNAN VOTING NO.

Mayor Hansen stated this ILA is a step in the right direction for good relations between the Cities, showing that the City of SeaTac wants to help other entities whenever possible.

Agenda Bill #2442; Resolution #04-009

A Resolution amending the City of SeaTac Schedule of License Fees, Permit Fees, and other Fees and Charges for City Services

Summary: On May 25, 2004, the City Council passed Resolution No. 04-004, which amended the City's Schedule of Fees. With the passage of that Resolution, the fees for Sign Permits was inadvertently reduced. Staff recommends that the Sign Permit fees be amended to reflect the amounts in existence prior to the passage of Resolution No. 04-004.

MOVED BY SHAPE, SECONDED BY DEHAN TO PASS RESOLUTION NO. 04-009.

MOTION CARRIED WITH BRENNAN VOTING NO.

PUBLIC COMMENTS: Sherry Yapp, 19733 37th Place South, stated that over the last four years, her neighborhood has had a steady decline in value and through Section 8 rental occupancies, leading to a detriment to the neighborhood. She has a Section 8 contracted non-owner occupied rental home across from her driveway involving an ongoing situation for the last eight months of problems based on drug and gang activity. Through the City and the FBI, that situation was eradicated. Currently, the neighborhood is having another situation at the corner of South 198th Street and 32nd Avenue South. The individuals who were living in the home across from her and not arrested, were relocated into this house and other houses in the community. She inquired as to whether the

City has any Ordinance(s) dealing with non-owner occupied houses that protects the rights of homeowner-residents in the City.

City Attorney Mirante Bartolo stated that she will review the City Code and contact Ms. Yapp regarding this issue.

Deputy Mayor Anderson stated that some years ago, the City had discussions as to registering owners of rental homes for contact purposes. She suggested discussing this issue once again.

CITY MANAGER'S COMMENTS: City Manager Rayburn stated that he, along with the Council, received a copy of the POS's notification letter announcing the start-up of the 2004-05 dirt haul for the third runway. This hauling is to begin this week. He has had no confirmation that it has started. He also received a letter from the Air Field Program Manager on this issue in which he outlines all the work getting underway on airport property, including the haul of additional dirt for the next two seasons. To help minimize impact on the neighbors, the POS will keep the hauling trucks off local streets by using the construction only interchange at SR 509 and South 176th Street and the modified interchange at SR 518 and Des Moines Memorial Drive. If the contractor does use City streets, they will need a City permit. To date, he is not aware of any request for a hauling permit.

Deputy Mayor Anderson stated that notification did not state the number of hauls to take place. Mr. Rayburn stated he would guess it will equal what has been in the past. At times, it was equal to 60 hauls per hour on SR 518. If the trucks are not on SeaTac streets, the City has no control.

CITY COUNCIL COMMENTS: Deputy Mayor Anderson had the following items of business: 1) she, along with Mr. Rayburn, attended the Suburban Cities Association (SCA) Retreat on June 10-11 in La Connor and felt the sessions were excellent. Most of the discussion was on procedure and what the Cities expect of SCA; and 2) Mayor Hansen and she attended an Association of Washington Cities (AWC) Conference in Ocean Shores on June 15-19, which included worthwhile networking discussions.

Councilmember Shape stated that Ms. Yapp called him this afternoon to discuss her neighbor situation. He is very concerned about any downward trend in any of the City's neighborhoods. He feels the City needs to be more proactive when these instances come to the City's attention. He inquired as to the City Code regarding land owners upkeep of their property.

City Attorney Mirante Bartolo stated she had a discussion with Chief Somers regarding these issues and what areas the City might concentrate on with Code Enforcement. She will talk further with Ms. Yapp to see how the actual facts meet the City Code.

City Manager Rayburn stated that the City has the ability to determine who the legal owners are but finding the off-property owners is the problem as far as code enforcement actions. He agrees more emphasis seems to be needed.

Councilmember Brennan stated he also talked with Ms. Yapp and her point is well taken. The Police and Fire Departments are very active in these situations. He inquired as to whether the City could contact the State representatives responsible for placing Section 8 renters and have them present to Council their considerations in placements. Mrs. Mirante Bartolo will research this possibility. Secondly, he discussed the map the Council received from staff regarding the demographic locations of seniors in the City to the two potential sites for a senior center. He felt the consultant's report was incomplete. The map points out that 85 percent of the seniors live within a two-mile radius of South 188th Street and the rest live within a two-mile radius of North SeaTac Park. This information is critical and was not in the report. He would like Council to send a letter to the consultants that drafted the report and tell them these findings.

Mayor Hansen stated that he felt Councilmember Brennan made a good point regarding the senior center report. It makes no sense to build a center where a majority of the seniors are not residing. Secondly, he stated that Deputy Mayor Anderson and he felt the AWC Conference was a worthwhile one. He mentioned that the Transportation Symposiums had good presentations regarding the current ineffective tax system. The South Access/SR 509 project has been in the makings for 14 years and with only a nickel a gallon gas tax toward transportation from the State Legislator, road repairs and projects will be minimal. Stan Finkelstein, Director of AWC, gave an excellent speech on government services.

Deputy Mayor Anderson requested a no-smoking ban be enforced at all City government buildings, such as City Hall and the North SeaTac Park Community Center.

ADJOURNMENT

MOVED BY DEHAN, SECONDED BY SHAPE TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:03 P.M.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk